

TAB

GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405

PBS 1095.1
December 11, 1970

GSA ORDER

SUBJECT: Procedures for implementing Section 102(2)(C) of the
National Environmental Policy Act

1. Purpose. This order prescribes procedures for implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190), hereinafter referred to as the Act, with regard to the design, construction, alteration, operation, and use of public buildings and sites, and the lease or purchase of commercial facilities to house Federal activities.

2. Background. Section 102(2)(C) of the National Environmental Policy Act directs all Federal agencies to identify and develop methods and procedures which will ensure that environmental amenities and values are given appropriate consideration in decisionmaking along with economic and technical considerations and to prepare a detailed statement on major Federal actions that significantly affect the quality of the human environment. Executive Order 11514 of March 5, 1970, Protection and Enhancement of Environmental Quality, reinforces the purpose and policy of this Act, and Interim Guidelines, implementing its provisions, have been issued by the Council on Environmental Quality.

3. Procedures. The following procedures are established for complying to the Act:

a. Officials responsible for the environmental statements.
Statements shall be prepared by the Assistant Commissioner for Operating Programs and the Regional Directors, PBS, for projects and actions within their jurisdiction who shall be the responsible officials referred to in Section 102(2)(C) of the Act. They shall obtain assistance as required from the Assistant Commissioners for Buildings Management, Construction Management, Space Management, and Operational

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Planning. Their statements shall be prepared in a timely manner consistent with the actions identified in subpar. 3b of this order. Well conceived and documented files shall be maintained on all matters requiring environmental statements.

b. Identifying agency actions requiring environmental statements.

As a general principle the responsible official shall provide environmental statements when he concludes that a Federal action will have a significant (by itself or cumulatively) impact on the environment. Dollar value alone is not a sufficient indicator; a small repair and improvement project may have significant impact on the environment. Actions requiring environmental statements will include but not be limited to:

(1) Recommendations or reports to the Congress on proposals for legislation affecting PBS programs.

(2) Prospectuses to the Congress requesting authority to proceed with a project by purchase, lease, or construction.

(3) Awards of contracts or other agreements for repair, maintenance or operation of a facility which may through the processes involved, the residue caused or collected, and disposal thereof adversely affect the environment. Examples could include service contracts for cleaning, cafeteria operation, and pest extermination.

(4) Issuance of permits, licenses, or certificates for use of land or water for structures, dumping, or other actions that could affect the quality of the environment.

(5) Actions involving the moving or displacement of people which would materially affect population density.

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c. Information for environmental statements. The responsible official shall accumulate and use a broad spectrum of pertinent information in the preparation of the five-point environmental statement required by Section 102(2)(C) of the Act. Special attention is to be given to the pro-con presentation of alternatives that relate to the short- and long-term environmental decisions. As part of his information gathering efforts the responsible official shall become properly informed of the approaches being used by other Federal agencies to similar environmental problems with the view of utilizing a systematic and interdisciplinary approach.

d. Content of environmental statement.

(1) The following points are to be covered:

(a) The probable impact of the proposed action on the environment, including impact on ecological systems such as wild life, fish and marine life. Both primary and secondary significant consequences for the environment should be included in the analysis. For example, the implications, if any, of the action of population distribution or concentration should be estimated and an assessment made of the effect of any possible change in population patterns upon the resource base, including land use, water, and public services of the area in question.

(b) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in Section 101(b) of P.L. 91-190).

(c) Alternatives to the proposed action (Sec. 102(2)(D) of the Act) requires the responsible agency to "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources". A rigorous exploration and objective evaluation of alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives

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and their costs and impact on the environment should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might have less detrimental effects.

(d) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This requires assessment of the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations.

(e) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. This requires identification of the extent to which the action curtails the range of beneficial uses of the environment.

(f) Where appropriate, a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process and the disposition of the issues involved. (This section should be added at the end of the review process in the final text of the environmental statement.)

(2) With respect to water quality aspects of the proposed action which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards, mere reference to the previous certification is sufficient.

(3) Each environmental statement shall be prepared in accordance with the precept in Section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment."

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e. Consulting with Federal, State, and local agencies. Prior to completing a detailed draft of an environmental statement, adequate consultation shall be made with the regional offices of the Federal agencies which have jurisdiction by law or expertise for specific areas of environmental quality. Such agencies include: Department of Agriculture, Department of Commerce, Department of Defense, Department of Health, Education and Welfare, Department of Housing and Urban Development, Department of Interior, Department of Transportation, Atomic Energy Commission, Tennessee Valley Authority, and the Appalachian Regional Commission.

f. Existing projects and programs. The Section 102(2)(C) procedure shall be applied to further PBS actions having significant effect on the environment even though they arise from projects or programs initiated prior to enactment of PL 91-190.

4. Review and distribution of draft environmental statement.

a. Ten copies of the draft environmental statement shall be transmitted to the Central Office, PBS. The Central Office, after review and approval, will submit the necessary copies of the draft environmental statement to the Deputy Administrator for transmission to the Council on Environmental Quality.

b. The following actions will be taken immediately after transmission of the draft environmental statement to the Council:

(1) The responsible official, on request of the Central Office, shall send copies of the statement to the Mayor of any appropriate city and to Federal, State, and local agencies for comment (see subpar. 3e). If State, regional, or metropolitan clearinghouses have been established, their comments also shall be requested. These officials, agencies, and organizations shall be given 30 calendar days to comment and shall be advised that if no reply is received within that period, it will be presumed that they have no comment to offer.

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(2) The Deputy Administrator will solicit comments on the draft environmental statement from the Governor of the State, the United States Senators from the State, and the United States Representatives from the congressional districts involved. Copies of the comments received from these officials will be referred to the responsible official for use in drafting the final text of the environmental statement.

(3) The responsible officials shall, on request of the Central Office, ensure that copies of the draft environmental statement be transmitted to any individual who may have expressed an interest in receiving the statement.

5. Preparation of final text of environmental statement. Any comments received from Federal, State, regional, or local officials shall be reconciled, where practicable, with the draft environmental statement through coordination with the particular agency concerned. The environmental statement shall be revised to reflect, when appropriate, the additional data and comments obtained from those agencies. In any event a discussion of problems and objections raised by other Federal agencies and State and local entities in the review process, together with the responsible official's recommended disposition of the issues involved, shall be appended to the final text of the environmental statement.

6. Distribution of copies of final draft.

a. Ten copies of the final text of each environmental statement shall be submitted, as soon as practicable, together with 10 copies of each agency's comments, to the Central Office, PBS. The Central Office, after review and approval, will submit the necessary copies of the final text of the environmental statement to the Deputy Administrator for transmission to the Council on Environmental Quality.

b. The responsible officials shall, on request of the Central Office, ensure that copies of the final environmental statement be transmitted to any individual who may have expressed an interest in receiving the statement.



A. F. SAMPSON
Commissioner, Public Buildings Service